

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

|                          |   |                        |
|--------------------------|---|------------------------|
| UNITES STATES OF AMERICA | ) |                        |
|                          | ) | CASE NO. 3:05-CR-234-A |
| v.                       | ) |                        |
|                          | ) |                        |
| TYRONE WHITE             | ) |                        |

**NOTICE OF DEFENSES**

COMES NOW the Defendant, Tyrone White, by and through his undersigned counsel, and submits that he intends to assert the following defenses at trial:

1. Public Authority. Pursuant to Federal Rule of Criminal Procedure 12.3, the Defendant hereby notifies the Court and the Government of his intent to assert a defense of actual or believed exercise of public authority on behalf of a law enforcement agency at the time of the alleged offenses. The Defendant was acting on behalf of the Auburn Police Department at all times contained within the allegations of the Indictments returned against him.

2. Entrapment. Pursuant to Local Criminal Rule 12(b).1, the Defendant hereby notifies the Court and the Government of his intent to assert a defense of entrapment. The Auburn Police Department, acting in conjunction with or at the behest of the Federal Bureau of Investigation, attempted to entrap, or has entrapped, the Defendant, in relation to all Counts of the Indictments.

3. Wrongful Government Coercion of Witnesses Against the Defendant. The government, by and through its agents, namely the Auburn Police Department and the Federal Bureau of Investigation, has wrongfully coerced witnesses to testify falsely against the Defendant, in relation to all Counts of the Indictment.

4. Selective Prosecution. Similarly situated individuals of a different race were not prosecuted. Other Auburn Police officers who engaged in similar behavior were not prosecuted, evidencing both discriminatory effect and discriminatory intent.

5. Illegal Surveillance. The government, though its agents, has conducted illegal surveillance against the Defendant, in its investigation and prosecution of its case.

6. The Defendant reserves the right to assert additional defenses as justice may require.

RESPECTFULLY SUBMITTED this 21st day of November 2005,

TYRONE WHITE  
Defendant

/s/ Julian L. McPhillips, Jr.  
JULIAN L. McPHILLIPS, JR.  
Attorney for Defendant  
Alabama Bar No. MCP004  
McPhillips Shinbaum, LLP  
P.O. Box 64  
Montgomery, AL 36101  
(334) 262-1911

CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

Todd A. Brown  
Assistant United States Attorney  
One Court Square, Room 201  
P.O. Box 197  
Montgomery, Alabama 36101

/s/ Julian L. McPhillips, Jr.  
JULIAN L. McPHILLIPS, JR.